

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**ESEQUIEL ESCAMILLA, et al.,** §  
§  
**Plaintiffs,** §  
§  
v. § **Civil Action No. 4:21-cv-00828-P-BP**  
§  
**TRACY RENAUD, et al.,** §  
§  
**Defendants.** §

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Plaintiffs' Notice of Voluntary Dismissal made pursuant to Fed. R. Civ. P. 41(a)(1) and filed August 19, 2021. ECF No. 8. Under Rule 41(a)(1)(A)(i), Plaintiffs may voluntarily dismiss their case without a court order provided the opposing party has not served an answer or a motion for summary judgment. This right is "absolute and unconditional" and may not be "extinguished or circumscribed by adversary or court." *Int'l Driver Training Inc. v. J-BJRD Inc.*, 202 F. App'x 714, 715–16 (5th Cir. 2006) (per curiam) (citations omitted). A notice of voluntary dismissal under this rule is "self-executing" and no further court action is required. *Id.* at 716. The record shows that Defendants have not filed an answer or a summary-judgment motion. The undersigned thus **RECOMMENDS** that United States District Judge Mark T. Pittman **DISMISS** this case **without prejudice**.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state

the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

**SIGNED** August 20, 2021.

Hal R. Ray, Jr.

Hal R. Ray, Jr.  
UNITED STATES MAGISTRATE JUDGE